

Mister/Madam President
Deputy High Commissioner
Excellencies
Distinguished Participants,

I am here to reaffirm the Somali Federal Government's commitment to the cause of universal human rights and to this esteemed Council. Our Government has consistently endeavoured to the best of its ability to uphold these commitments: through persistent efforts aimed at cultivating a pluralistic Somali society – and through co-operation with the member Nations of this Council. Somalia, even with the overwhelming odds against it shares the High Commissioner's vision of ensuring human rights for all. We therefore welcome the engagement of all stakeholders during this session and beyond.

Ladies and Gentlemen

For the first time in 22 years our beloved nation is chartering a new path. A path which leads to a prosperous, just and secure Somalia is on the horizon for all to see. Having said that, this fragile change requires utmost care and the sustained focus of our international partners. Therefore, we strongly caution that the Somali case be stricken off the international priority list as new hotbeds emerge around globe.

The rule of law is an essential part of any society that respects human rights. It presumes respect for national institutions and constitutional processes – and unequivocally rejects the methods of excessive force and violence.

Our actions, more than our words, should dispel any doubts regarding our Government's commitment to upholding human rights through the rule of law. Nonetheless the Government is only one actor. It cannot do it alone – all segments of society need to play a constructive role. And needless to say that in the case of Somalia, our international partners in peace also play a crucial role in the promotion and protection of human rights in Somalia.

During the first cycle of the UPR, Somalia received and accepted 155 recommendations, committing itself to do all that is within the Government's ability to implement these recommendations. I should note that Somalia has not been completely stable for 25 years. The challenges facing our nation are complex and vast. Among these are, lack of security, extreme poverty and environmentally induced disasters such as droughts and flooding. Apart from this, our Government was working tirelessly to reestablish and rebuild the vital government institutions that have been destroyed due to the civil war. Nevertheless, we took it upon ourselves to push forward and acknowledge these recommendations as guiding objectives. Our Government lacking the capacity to achieve all these objectives, has set urgent priority areas which we deem essential to achieve, such as security, institutional building and sustained political stability.

Ladies and Gentlemen

Our Government has proven in the past 4 years to not shirk from bold initiatives. We have undertaken unprecedented measures and initiated milestone policies and programs. We will outline several major steps we have taken to ensure human rights promotion and protection.

This presentation will be made by myself, the Minister of Women and Human Rights Development and the Attorney General of the federal Government of Somalia. Before we get into the more substantive part of our presentation, please allow us to acknowledge and thank the United Nations Mission to Somalia (UNSOM) and more specifically the Human Rights Section of that mission for their relentless support to all Somali Government institutions dealing with human rights and more specifically their assistance to our Ministry of Women and Human Rights Development.

Human Rights in General

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Creating a human rights protection framework in a post conflict Somalia is a challenge and on top of that in a situation with current extremism and terrorist groups. Nevertheless, the Government of Somalia and the Somali human rights defenders have endorsed, an Action Plan for the country's Human Rights Roadmap. This action plan lays out the responsibilities of implementing the roadmap in terms of the lead Ministry, other participating ministries of the

Government, and other partners. Also the significant role of the international community in supporting the implementation of this roadmap and its action plan has been underscored. Ensuring that this Roadmap is implemented effectively, we need the International Community to intensify their assistance to Somalia in the area of human rights.

This Roadmap consists of several human rights issues and lays out concretely proposals to address them. All these areas are important to ensure human rights protection and promotion in the country. The vision behind this document is to initiate and facilitate the creation of a Somalia with an inherent human rights culture. Understanding that this will take a lot of effort and time, we are unwavering in our endeavour to set the path of achieving this.

While acknowledging all the support we have received to date, its time to move from words of endorsement to more sustainable and tangible support. The immediate need in the area of Human Rights is technical and financial resources support.

Although all programs proposed in the human rights action plan are relevant and significant, there are four priority areas for which we need immediate support. These are the establishment process of the Independent Human Rights Commission, building the capacity of the ministry of Human Rights, vulnerable groups protection and civilians protection and compliance with IHL. It is important to note that investing in the capacity of the Ministry and that of the awaited Human Rights Commission will enable these institutions to implement the other priorities more effectively.

The Ministry of Women and Human Rights Development is putting special emphasis on advancing the issues relating to the protection of minority groups in Somalia. Taking steps to include minorities in the ongoing political process of federalising Somalia. This will allow these groups to be more vocal and participate fully within Somali society.

To furthermore demonstrate the will of Somalia to protect and promote human rights, we are discussing and preparing a standing invitation to all relevant UN

Human Rights Rapporteurs and Experts to Visit Somalia and see first hand the great work the Government of Somalia is undertaking to improve the human rights situation.

Security

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The issue of security is the Achilles heel and foremost priority of the Government of Somalia. The Ministry of Internal Security is leading the process to establish a unified, accountable and rights based security institutions. It provides basic safety and security for all Somali citizens. Undertaking this immense task is structured by focusing on several priority areas, such as strengthening the capacity and accountability of state security institutions, and enhance the fundamental right to security for persons in Somalia. A right which is enshrined in the Somali Provisional Constitution and security legislation.

And while preventing underage recruitment and ensuring the release of children associated with armed entities, the Ministry of Defence and the Ministry of Internal Security are leading the process involving integration of formal and informal security forces. Our Governments National Programme for Disengaged Combatants addresses the more than 300 disengaged combatants in the country. This milestone programme adds to the military and political approaches to mitigating terrorist threat, and contributes to promoting peace and stability. Moreover, this programme is aimed to achieve sustainable reintegration and reconciliation, putting an emphasis on the specific needs of child combatants and female combatants and their dependants.

As can be read in our national report, the Somali Government institutions are preparing to provide more training to criminal prosecutors and police investigators in human rights in the administration of justice in the coming three years. Giving special attention to creating awareness on the human rights of women, children, minorities and persons with disabilities.

Women

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Somalia has made significant progress to address the issue of gender inequality. The Government has worked tirelessly to combat disparities in fundamental and basic rights, in access to and control of resources, in employment, in governance and in political participation. Our provisional Constitution provides significant affirmative action measures to ensure gender equity and equality in Somalia. And the Government is committed to actively work on improving the position of women in Somali society, government institutions.

We have been successful to establish the Somali National Gender Policy, including policy priorities for women's economic empowerment, their participation in political and decision-making process. Government institutions have revitalised their structure by setting up departments focused on gender affairs. And of course the establishment of the Ministry of Women and Human Rights to steer women affairs at the Cabinet level demonstrates the goodwill and firm commitment of our government.

One of the most significant milestones for women in Somalia is the common agreement the leadership in central government and the regions have agreed in principle that there shall be a fixed quota of parliamentary seats for women, which will remain vacant if a woman is not elected to that seat. The government is optimistic that women participation in politics and governance will increase significantly in the coming years. The Ministry of Women and Human Right is campaigning throughout the regions of Somalia to encourage local representatives to include women and minority groups in the federal states formation process.

Youth

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Despite political volatility, insecurity, access limitations and limited resources, Somalia has made significant advances since the last review working on Somali children and youth issues. The historic milestone of the Somalia acceding to the United Nations Convention on the Rights of the Child (CRC) in January 2015, after parliamentary approval has been significant. This momentous break-

through provides the basis for further institutional building and government capacity development.

Furthermore, our government continued its effort for the release and reintegration of children recruited by armed forces and groups. For this we have established the Serendi rehabilitation centre for disengaged fighters of armed groups. The purpose of this centre is to rehabilitate adults and children formerly associated with armed groups before reintegrating them into society. Since the latest visit of the Special Representative of the UN Secretary-General for Children and Armed Conflict, the management of that centre has reviewed and significantly changed the procedures and policies of the centre, making it more transparent and open to independent monitoring. Resulting in that 64 disengaged child fighters have been transferred to child appropriate facilities better equipped for their specific needs.

And now I give the floor to the Attorney General of the Federal Government of Somalia, Mr. Ahmed Ali Dahir.

Mister/Madam President
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Counter Terror and Due Process [DO NOT READ TITLE]

The most significant obstacle for human rights protection in Somalia is the fragile security situation created by terrorism. Frequent terrorist attacks on government officials, human rights defenders and civilians have perpetuated a continuous state of fear. Sustainably changing this environment of fear, is the number one priority of the government. To prevent terrorism and to reduce its adverse consequences, the Somali government has drafted the first ever National Counter-Terrorism Law. The cabinet has approved the law and sent it to parliament, where it is awaiting to be tabled.

This bill will better enable my office to prosecute terrorism suspected groups and individuals effectively as it provides a legal framework for the fight against terrorism. Also giving special powers to security forces which will allow them to conduct missions within a legal scope. This act will ensure due process for terrorism suspects and protection for witnesses. And equally important our government has reaffirmed its

commitment to be cautious with affiliating any organisation with terrorism without substantial and solid evidence.

The Government of Somalia has undertaken efforts to make the public aware of the challenges of terrorism, in its role to ensure both the security of the nation as well as the citizen's right to expression and assembly.

Moreover, the government is working to establish the necessary legal framework to guarantee citizens the freedom from arbitrary arrest as provided in the constitution and no person may be detained without a charge or conviction against him. This is especially challenging as the government is struggling to find a balance between security and respect for basic freedoms, which often are conflicting principles.

Media

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The Somali Government firmly believes that every person has the right to disagree with, or dissent from, their Government, and to state that disagreement or dissent publicly as guaranteed by the Somali Provisional Constitution. However, this can only happen within the limits of orderly discourse in a democratic society. And no citizen has the right, even if disguised as the freedom of expression, to incite, defame or in any other way endanger our society and its security. So, to reiterate, we welcome peaceful expressions of disagreement, but not incitements to hatred and violence which damage the social fabric of a nation rising from destruction and aid the cause of terror groups.

To give an example, there was a specific case of a journalist that falsely spread news that Ebola has been diagnosed in Somalia. This news wreaked havoc upon Somalia's already fragile society and economy, causing flights to be canceled, shipments to be postponed and important work to be halted. Another example is the Radio host calling up all Somalis to rise against the government violently if necessary. These kinds of freedom of expression outings can never be tolerated for obvious reasons.

Our Government is committed to create secure working conditions for journalists and to bring an end to attacks on journalists. The Somali National Media Law which has been passed into law by the Parliament, provides the rights of the journalist that should be respected. The Media Bill has been formulated while engaged in full consultations with all sectors of the Somali media community. This Law has been passed into law in the past two weeks and has been signed by the president into law. With this law we ensure that journalists that commit crimes are dealt with in accordance with the laws of the nation. As Somalia we are committed to demonstrate that no one is above the law, while respecting the constitutional rights of every individual relating to due process.

This includes that every suspect is brought before a competent judge within 48 hours, that no one is subjected to torture or inhumane treatment, the right to legal represent-

ation and paramount right of a full and fair trial. It is important to note that all law enforcement and security agencies, including the National Intelligence and Security Agency (NISA), adhere to the constitutional laws of the country and grant every suspect these rights.

Nevertheless, it remains a challenge for our Government to prevent the killings of journalists. However, to ensure that attackers of journalists do not enjoy impunity, the Office of the Prosecutor has taken steps to prevent that the perpetrators do not enjoy impunity and freedom. The Somali prosecutors' office has conducted investigations into the killings of journalists, to bring those suspected before the court of law.

The Government is tirelessly working to prosecute all crimes of targeted assassinations, not only those of journalists. One of the groups that are the largest target for armed terrorist groups are the government officials. In the past 3 years almost 24 judges and prosecutors have been killed through target killings. Be assured that our government is doing all that it can in its current capacity.

Justice sector

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Access to qualified and competent legal aid remains challenging in Somalia. To improve credibility and independence of the judicial system, the Somali Government has worked to strengthen access to justice and legal empowerment for vulnerable groups including women and IDPs. The government is continuing its efforts to better mainstream gender issues in the Somali justice sector.

The Ministry of Justice has been working to re-build the Somali legal system into a competent and sustainable public body. This includes improving the capacity of the judiciary system. Furthermore, the office of the Attorney General is continuously working to enable the prosecution suspects of crimes such as terrorism and piracy, in accordance with due process principles. Concerning piracy, the Government has worked to interrupt criminal activities at sea, working on strengthening domestic maritime law-enforcement capacity, and addressing the root causes of maritime crime on land. A ban on ransom payments for piracy hostages has not been feasible due to lack of enforcement capacity.

The Government has worked on increasing the number of qualified police investigators by 40, qualified judges and prosecutors by 68 and qualified police investigators by 18 since the last review, thereby re-building a solid legal system. We are strengthening legal and judiciary institutions by increasing the number of officials with formal legal education. More than 30 judges and prosecutors completed a six month judicial training since the last review. They have since entered the Somali justice system, putting their new skills into practice to deliver justice.

The courts in Somalia have delivered a number of significant judgments that have directly invoked both constitutional provisions and other national laws. Also judgments relating to sexual violence against women and children have been passed on.

The government has been vocal about the passing of these judgements to make citizens aware that impunity will not be accepted in Somalia.

Death Penalty

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Regarding the death penalty in Somalia allow me to say the following. Limiting the execution of the death penalty is something that requires a long process. The Provisional constitution of Somalia prescribes that the Sharia Law is the paramount law. And the Sharia prescribes for a limited amount of crimes the death penalty. Nevertheless, Somalia is now working to reduce the amount of crimes with which the death penalty is punished, apart from the limited amount of mandatory death penalty crimes due to Sharia law. And even for those we are working to ensure that the execution of the death penalty is changed into alternative punishments such as life sentencing.

Torture

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The Government of Somalia does not condone torture or ill treatment of any person. To ensure that all enforcement and security agencies adhere to this principle, we work on raising the awareness on using torture as a tool to enforce the law or ensure the security of Somalia and all Somalis. And there cannot be any circumstance in which torture is permissible.

IDP

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There have been no forced evictions of Internally Displaced Persons in Mogadishu or anywhere else in Somalia apart from incidents. In Mogadishu the IDPs are living in camps managed by NGO's, which are monitored by the government to ensure full protection and assistance to these people in need. There are Court workers that go to these camps to listen to the complaints of the people in these camps and take the necessary action to contact the relevant authorities to follow up on the complaints. Forced evictions, wether it is IDP's or people from their regular homes, is something that is done while following the rules of the Somali law. No one is arbitrarily evicted from their home and the Government does now allow for this to happen.

The office of the prosecutor has been active to investigate sexual crimes and to set an example that no crime and especially that of sexual violence go unpunished. So far the office of the prosecutor has been successful to bring 69 cases before a judge in 2015. While adhering to the rules and procedures of due process, the authorities of Somalia are committed to fight impunity and to try everyone that breaks the law.

Corruption

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Our government is serious about tackling corruption. But first let me remind you that fighting corruption is never easy and combatting corruption in post-conflict fragile situation is incredibly challenging. Nevertheless, we are committed to fight this disease and endeavour to reach a Somalia without corruption. The office of the Auditor General regularly refers cases to the prosecutors office to investigate and bring before a judge. Currently there are several cases under investigation and some of them will

be brought before the court. However, to combat corruption more effectively, we require that the National Independent Anti-Corruption Commission and the Judiciary High Commission to be established. Moreover, it is very important to undertake complete capacity building of the institutions meant to fight corruption, such as the Prosecutors Office, The Auditor General, the Criminal Investigation Department. This capacity building should focus the needs relating to technical, financial and security needs.

IHL and Protection of Civilians

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Our Government has taken important steps to ensure that its military forces and African Union Mission forces, AMISOM, comply with international humanitarian law (IHL) and human rights. However, while aware that these troops are committed to adhering to these fundamental principles, incidents that deeply concern our government and people have taken place since the last review.

The latest of which is the airstrikes of the Kenyan Defence Forces, some of which have targeted civilians areas and caused heavy casualties. The Government of Somalia is committed to conduct impartial investigations into this issue and we are requesting parliamentary oversight asking the defence committee of the Parliament to also look into this issue. We are endeavouring to reach accountability and have justice for those affected and their families.

As a result, the Government increased its engagement and monitoring of the work of AMISOM to ensure full compliance with IHL and human rights norms. A total of 10.700 Somali National Army soldiers, more than are trained in UN Human Rights Due Diligence.

The MWHR has engaged in dialogue with AMISOM aimed at taking special measures for protection from sexual exploitation and abuse of Somali women and girls. The government and AMISOM have set up a task force consisting of AMISOM and government officials that will work together in cases of alleged human rights violations to come up with appropriate and timely responses to such incidents. AMISOM and the Ministry of Human Rights have agreed to cooperate and share knowledge regarding civilian casualty tracking to better enable accountability and prevent impunity.

Child rights violations

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Also a significant milestone was Somalia's commitment to protect children by signing the Standard Operation Procedures on reception and handover of children from armed groups. Also, our government works with UNICEF to implement the global campaign "Children, Not Soldiers" and the Action Plans signed by the FGS in 2012, one on ending the recruitment/use of children and the other on ending the killing and maiming of children.

The Prosecutor's office has conducted enquiries into incidents of grave child rights violations that were reported in different areas of Somalia. Moreover, this office brought suspects to Mogadishu to stand trial and worked with relevant ministries to fly out victims for treatment. The government is committed to further improve the monitoring and establishing measures to prevent these grave violations against children.

Ladies and Gentleman, I now give the floor back to Her Excellency, Minister Samantar for the concluding remarks...

Conclusion

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No one could expect that an inclusive and tolerant system of politics will emerge if leaders of important groups seek dominance instead of dialogue and reject democratic institutions. Such attitudes, it must be said firmly, trample on the ideals of a society governed by the rule of law. The Government has put into place a number of participatory schemes to jumpstart a national dialogue. Reconciliation requires everyone to come to the table: surely it is right to demand that everyone serious about the issue should unconditionally condemn all violence.

We thank fellow member States and the Office of the High Commissioner and UN agencies for assisting us in our efforts to follow the highest standards of respect for human rights, and look forward to benefiting from their assistance. We all agree on the fundamental principles, which are free speech and fair treatment of those accused and convicted of crimes. Of course, we are pleased to take advantage of sincerely offered advice, as proved by our acceptance of 100% of your recommendations during the last cycle. It is in this spirit of constructive engagement that I now await your further comments and observations.

Thank you